



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
ADDRESS COMMISSIONER, PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20503
WWW.USPTO.GOV

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 904,765	07 13 2001	Chip B. Stroup	00-0198	4023

7590 03 12 2003

Kaardal & Associates, PC
Attn: Ivar M. Kaardal
Suite 250
3500 South First Ave. Circle
Sioux Falls, SD 57105-5802

EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 03 12 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,765

Applicant(s)

STROUP, CHIP B.

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract includes the legal phraseology "means". All instances of "means" should be removed from the abstract. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 3 and 5 are objected to because of the following informalities: Claim 3, line 3 and claim 5, line 7: --first-- should be inserted before "panel", in order to clarify the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Labaton et al (WO 94/17498).

Labaton et al teaches a debit card information storage and transferring device (3) comprising: a debit card (2) having a magnetic strip (1) thereon for removably storing information (account information), a memory means (RAM 24) for storing information, a plurality of input actuators (keypad 6) for inputting and retrieving information, a display (22) for displaying the information, a control (CPU 21) for processing data, the control being operationally coupled to the memory means, the input actuators and the display,

a writing means (card reader/card writer 27) for writing selected information on the magnetic strip, the writing means being adapted for replacing information on the magnetic strip with a newer set of information (writing different account information, for example), the writing means being operationally coupled to the control, wherein sets of information from multiple credit accounts may be stored in the memory means, wherein the credit account information may be selectively written on the debit card (see figures 1, 3, 4, page 2 lines 9-15, page 2 line 33 page 3 line 17, page 5 line 24-31, page 6 line 14 - page 7 line 32, page 8 line 22 - page 9 line 15, page 10 lines 3-10).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Labaton et al in view of Dethloff (US 5,902,981).

The teachings of Labaton et al have been discussed above.

Labaton et al fails to teach a microchip positioned on the debit card for identifying the debit card, a reading means for reading the microchip, the reading means being operationally coupled to the control, the reading means being adapted for reading a specific microchip, wherein the control turns the memory means on when the microchip is being read by the reading means.

Dethloff teaches an information storage and transferring device (terminal 20) comprising: a debit card (data medium 10) for removably storing information, a memory means (24) for storing information, a plurality of input actuators (buttons 28) for inputting and retrieving information, a display (30) for displaying the information, a control (22) for processing data, the control being operationally coupled to the memory means, the input actuators and the display, a writing means (within control circuit 22) for writing selected information on the debit card, a microchip (control circuit 12) positioned on the debit card for identifying (via secret data) the debit card, a reading means for reading the microchip (within control circuit 22), the reading means being operationally coupled to the control, the reading means being adapted for reading a specific microchip (the control circuit 12 which contains the same secret data that is stored in the terminal 20), wherein the control turns the memory means on when the microchip is being read by the reading means (the terminal 20 and data medium 10 only function when the secret data matches) (see figure 1, column 3 lines 23-47, column 4 lines 1-11, and column 5 lines 7-46).

In view of Dethloff's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the device as taught by Labaton et al, a microchip positioned on the debit card for identifying the debit card, a reading means for reading the microchip, the reading means being operationally coupled to the control, the reading means being adapted for reading a specific microchip, wherein the control turns the memory means on when the microchip is being read by the reading means, in order to further increase security by ensuring that only an authorized debit

card can be used with storage and transferring device, thereby preventing fraudulent use of the device and/or card.

Allowable Subject Matter

7. Claim 5 has been allowed over the prior art of record (note the objection to claim 5, above).

8. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (note the objection to claim 3, above).

9. The following is a statement of reasons for allowance and the indication of allowable subject matter: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: a debit card information storage and transferring device wherein the reading means and the writing means are positioned in a first panel, the first panel having a slot therein for receiving the debit card such that the debit card may be positioned against the reading means, the control being positioned in a second panel, the display means being mounted on a first side of the second panel, the second panel being hingedly coupled to the first panel such that the first panel may be positioned over the display means, in combination with the other claimed limitations as set forth in the claims.

While the prior art of record, for example Lookofsky (US 5,416,730), Oogita (US 5,227,615), Kapp et al (US 5,233,547), Matsuda (US 5,179,502), Komaki (US 5,057,679), Komaki (US 5,039,846), and Urushihara et al (EP 0 793 204 A2), generally teach devices having different components, including card readers/writers, control

means, display means, and input means, located in different panels hingedly coupled to each other, without the benefit of applicants teachings there is no motivation for one of ordinary skill in the art at the time of the invention to combine the prior art of record in a manner so as to create the claimed invention (namely, the reading and writing means being located in a first panel which is hingedly coupled to a second panel containing the control means and the display, wherein the first panel may be positioned over the display means).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rochman et al (US 2002/0139844 A1), Ramachandran (US 6,315,195 B1), Abe et al (US 5,895,903), Kakinuma et al (US 4,812,632) all teach card information storage and transferring devices. Lookofsky (US 5,416,730), Oogita (US 5,227,615), Kapp et al (US 5,233,547), Matsuda (US 5,179,502), Komaki (US 5,057,679), Komaki (US 5,039,846), and Urushihara et al (EP 0 793 204 A2) all teach electronic devices having hingedly coupled panels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers

Application/Control Number: 09/904,765

Page 7

Art Unit: 2876

for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jared J. Fureman
Jared J. Fureman
March 7, 2003